

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

JAMES C. GREGORY

PLAINTIFF

v.

No. 3:12-cv-182-DPM

**RALPH WILSON, JR.;
STATE OF ARKANSAS;
MIKE BEARDEN; and
CITY OF BLYTHEVILLE**

DEFENDANTS

ORDER

1. This case was transferred from the United States District Court for the Eastern District of Missouri. The Honorable Judge Rodney W. Sippel provisionally gave Gregory permission to proceed *in forma pauperis*. *Document No. 7, at 2.* The Court agrees that Gregory cannot afford the filing or service fees.

2. The Court must dismiss Gregory's case if it determines that his complaint is frivolous or seeks monetary relief from a defendant who is immune. 28 U.S.C. § 1915(e)(2)(B). The Court, however, is having trouble understanding Gregory's claims. He seems to be upset that criminal charges against him were dismissed without the jury trial he demanded. But any claim against Circuit Judge Wilson is a stretch because of the absolute

immunity that protects him in the exercise of judicial authority. *Schottel v. Young*, 687 F.3d 370, 373 (8th Cir. 2012). Bearden's actions as a prosecutor are similarly shielded by absolute immunity. *Anderson v. Larson*, 327 F.3d 762, 768–69 (8th Cir. 2003). Arkansas's sovereign immunity protects it from suit. *Pennhurst State School & Hospital v. Halderman*, 465 U.S. 89, 103–106 (1983). And though the city of Blytheville is subject to suit under § 1983 in certain circumstances, it is unclear why the City is in the case. The Court therefore orders Gregory to file a proposed amended complaint by 7 January 2013, pleading facts that allegedly support the proposed claims and taking into account the governing law about immunity.

3. The Court directs Gregory's attention to the Rules of Federal Civil Procedure and this Court's Local Rules, all of which Gregory must follow. The Court specifically warns Gregory that if he fails to respond to this (or any) Order, it may result in dismissal of his case without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 December 2012